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Harold C. Moore
MAGINOT MOORE & BOWMAN
Bank One Center/Tower,
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115

In re Application of :
LAUTERBACH, Jochen A. *et al* :
Application No.: 10/031,179 :
PCT No.: PCT/US00/19325 :
Int. Filing Date: 17 July 2000 :
Priority Date: 16 July 1999 :
Attorney Docket No.: 1743-0014 :
For: METHOD AND APPARATUS FOR :
SIMULTANEOUS COLLECTION OF :
TIME RESOLVED INFRARED :
SPECTRAL INFORMATION FROM :
MULTIPLE SAMPLES :

DECISION

This decision is in response to applicants' "Petition Under 37 CFR § 1.182 to Change Name of Inventor" purportedly filed 15 October 2002 and again via facsimile on 22 May 2003. This is a petition requesting that the Office recognize the name change of one of the inventors in the above-captioned application.

BACKGROUND

On 08 April 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 08 July 2002, applicants filed a declaration signed by all four inventors. However, the last name of one of the inventors was not the same as listed in the international publication, *i.e.*, Jan P. Heumann and Jan P. Dickey. There was no indication in the file that a name change was approved by the International Bureau.

On 29 July 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 08 July 2002 does not comply with 37 CFR 1.497(a) and (b) because there was no documentation supporting the inventor's name change. Applicants were given one month, or any time remaining in the Form PCT/DO/EO/905 to respond, whichever is longer.

On 15 October 2002, applicants purportedly filed the instant petition which was accompanied by, *inter alia*, a four-month extension request and fee, and a "Declaration" signed by the inventor whose name had changed. These papers were not located in the file.

On 22 May 2003, applicants filed via facsimile a copy of the papers purportedly filed 15 October 2002 and a copy of the date-stamped postcard receipt for that filing.

DISCUSSION

Petition Originally Filed 15 October 2002

Section 503 of the Manual of Patent Examining Procedure (MPEP) lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped filing receipt for the documents submitted 15 October 2002. The receipt clearly identifies the application by the serial number, attorney docket number, and name of an applicant. The filing receipt records that a petition for a four-month extension of time, a petition to change name of inventor and declaration of legal name change were received in the USPTO. The receipt is stamped "OIPE JC42 OCT 15 2002" across its face.

Accordingly, applicants have provided *prima facie* evidence that the petition to change name and extension request and other documents listed above were received by the USPTO on 15 October 2002. Moreover, a review of USPTO financial records verifies that the petition fee and four-month extension fee were received and processed on 15 July 2002.

Inventor Changes Name

MPEP § 605.04(c) lists the procedures required to petition to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Here, applicants provided a declaration recording the name of Jan P. Dicke and

Jan P. Heumann and signed as such by the co-inventor. Ms. Heumann declares that the name change was as a result of marriage. The petition fee of \$130.00 was also submitted. This is sufficient for a grantable petition.

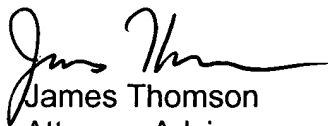
CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 is hereby **GRANTED**.

The declaration filed 08 July 2002 now complies with the requirements of 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 July 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 08 July 2002.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457